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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-714

11 **CONSTANCE ELLEN CAMERON**
12 **3972 Jackdaw St., #207**
13 **San Diego, CA 92103**
14 **Registered Nurse License No. 330798**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

15 Respondent.

16 **FINDINGS OF FACT**

17 1. On or about May 25, 2012, Complainant Louise R. Bailey, M.Ed., RN, in her official
18 capacity as the Interim Executive Officer of the Board of Registered Nursing, Department of
19 Consumer Affairs, filed Accusation No. 2012-714 against Constance Ellen Cameron
20 ("Respondent") before the Board of Registered Nursing.

21 2. On or about July 31, 1983, the Board of Registered Nursing ("Board") issued
22 Registered Nurse License No. 330798 to Respondent. The Registered Nurse License expired on
23 July 31, 2005, and has not been renewed. Pursuant to Business and Professions Code ("Code")
24 section 2764, the expiration of Respondent's license does not deprive the Board of jurisdiction to
25 proceed with this disciplinary proceeding or to render a decision imposing discipline on the
26 license.

27 3. On or about May 25, 2012, Respondent was served by Certified and First Class Mail
28 copies of the Accusation No. 2012-714, Statement to Respondent, Notice of Defense, Request for

1 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
2 Respondent's address of record which, pursuant to California Code of Regulations, title 16,
3 section 1409.1, is required to be reported and maintained with the Board. Respondent's address
4 on record with the Board was and is:

5 **3972 Jackdaw St., #207**
6 **San Diego, CA 92103.**

7 4. On or about June 28, 2012, Respondent was served by Certified and First Class Mail
8 copies of the Accusation No. 2012-714, Statement to Respondent, Notice of Defense, Request for
9 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
10 the following address which, was Respondent's address on record with the Nebraska Board of
11 Registered Nursing:

12 **560 South 69th Street**
13 **Omaha, NE 68106.**

14 5. Service of the Accusation was effective as a matter of law under the provisions of
15 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

16 6. The aforementioned documents served at the 3972 Jackdaw St., #207 address
17 were not returned by the U.S. Postal Service marked as undeliverable or unclaimed.

18 7. The aforementioned documents served at the 560 South 69th Street address
19 were returned by the U.S. Postal Service as undeliverable and marked "moved left no address."

20 8. Government Code section 11506 states, in pertinent part:

21 (c) The respondent shall be entitled to a hearing on the merits if the respondent
22 files a notice of defense, and the notice shall be deemed a specific denial of all parts
23 of the accusation not expressly admitted. Failure to file a notice of defense shall
24 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
25 may nevertheless grant a hearing.

26 9. Respondent failed to file a Notice of Defense within 15 days after service upon her of
27 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2012-
28 714.

10. California Government Code section 11520 states, in pertinent part:

(a) If the respondent either fails to file a notice of defense or to appear at the
hearing, the agency may take action based upon the respondent's express admissions

1 or upon other evidence and affidavits may be used as evidence without any notice to
2 respondent.

3 11. Pursuant to its authority under Government Code section 11520, the Board finds
4 Respondent is in default. The Board will take action without further hearing and, based on the
5 relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
6 taking official notice of all the investigatory reports, exhibits and statements contained therein on
7 file at the Board's offices regarding the allegations contained in Accusation No. 2012-714, finds
8 that the charges and allegations in Accusation No. 2012-714, are separately and severally, found
9 to be true and correct by clear and convincing evidence.

10 12. Taking official notice of its own internal records, pursuant to Business and
11 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
12 and Enforcement is \$442.50 as of June 19, 2012.

13 **DETERMINATION OF ISSUES**

14 1. Based on the foregoing findings of fact, Respondent Constance Ellen Cameron has
15 subjected her Registered Nurse License No. 330798 to discipline.

16 2. The agency has jurisdiction to adjudicate this case by default.

17 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
18 Nurse License based upon the following violations alleged in the Accusation which are supported
19 by the evidence contained in the Default Decision Evidence Packet in this case.:

20 **a. Disciplinary Action by the State of Nebraska Division of Public Health.**

21 Respondent is subject to disciplinary action under Code section 2761, subdivision (a)(4), on the
22 grounds of unprofessional conduct in that Respondent's registered nurse license was disciplined
23 by the Nebraska Department of Health and Human Services Division of Public Health ("Nebraska
24 Department").

25 i. On or about December 12, 2008, pursuant to the Findings of Fact,
26 Conclusions of Law, and Order issued by the Nebraska Department, in the
27 disciplinary action entitled *State of Nebraska vs. Constance Cameron, R.N.*, case
28 number H08-2477, the Nebraska Department suspended Respondent's registered

nurse license until such time that she undergoes a complete diagnostic exam and complies with any and all terms and conditions imposed as a result of the diagnostic exam.

ii. The basis for the Order is that on April 25, 2008, while employed as a registered nurse at L.N.H. in Omaha Nebraska, Respondent appeared unsteady in her gait, her uniform was disheveled, her speech was slurred, she had poor ability to track a conversation, and the odor of alcohol was apparent. Respondent was removed from the floor, sent home, and then terminated from employment at the hospital.

b. Unprofessional Conduct. Respondent is subject to disciplinary action under Code section 2761, subdivision (a), in that Respondent committed acts of unprofessional conduct. The conduct is more particularly described in paragraph 3, subparagraphs (a)(i-ii), inclusive, above, and herein incorporated by reference.

ORDER

IT IS SO ORDERED that Registered Nurse License No. 330798, heretofore issued to Respondent Constance Ellen Cameron, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on DECEMBER 19, 2012.

It is so ORDERED NOVEMBER 19, 2012



FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

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DOJ Matter ID:LA2012506761

Exhibit A

Accusation Case No. 2012-714

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8 **BEFORE THE**
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2012-714

11 **CONSTANCE ELLEN CAMERON**
12 **3972 Jackdaw St., #207**
13 **San Diego, CA 92103**

A C C U S A T I O N

14 **Registered Nurse License No. 330798**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20 of Consumer Affairs.

21 2. On or about July 31, 1983, the Board of Registered Nursing issued Registered Nurse
22 License Number 330798 to Constance Ellen Cameron ("Respondent"). The Registered Nurse
23 License expired on July 31, 2005, and has not been renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board of Registered Nursing ("Board"),
26 Department of Consumer Affairs, under the authority of the following laws. All section
27 references are to the Business and Professions Code ("Code") unless otherwise indicated.
28

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.

STATUTORY PROVISIONS

5. Section 118, subdivision (b) of the Code provides, in pertinent part:

“(b) The suspension, expiration, or forfeiture by operation of law of a license issued by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or by order of a court of law, or its surrender without the written consent of the board, shall not, during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board of its authority to institute or continue a disciplinary proceeding against the licensee upon any ground provided by law or to enter an order suspending or revoking the license or otherwise taking disciplinary action against the licensee on any such ground.”

6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

7. Section 2761 of the Code provides, in pertinent part:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action . . .”

8. Section 2811, subdivision (b) of the Code provides:

“Each such license not renewed in accordance with this section shall expire but may within a period of eight years thereafter be reinstated upon payment of the biennial renewal fee and penalty fee required by this chapter and upon submission of such proof of the applicant's qualifications as may be required by the board, except that during such eight-year period no examination shall be required as a condition for the reinstatement of any such expired license which has lapsed solely by reason of nonpayment of the renewal fee. After the expiration of such eight-year period the board may require as a condition of reinstatement that the applicant pass such examination as it deems necessary to determine his present fitness to resume the practice of professional nursing.”

1 **REGULATORY PROVISIONS**

2 9. California Code of Regulations, title 16, section, 1419.3 provides:

3 "In the event a licensee does not renew his/her license as provided
4 in Section 2811 of the code, the license expires. A licensee
5 renewing pursuant to this section shall furnish a full set of
6 fingerprints as required by and set out in section 1419(b) as a
7 condition of renewal.

8 (a) A licensee may renew a license that has not been expired for
9 more than eight years by paying the renewal and penalty fees as
10 specified in Section 1417 and providing evidence of 30 hours of
11 continuing education taken within the prior two-year period.

12 (b) A licensee may renew a license that has been expired for more
13 than eight years by paying the renewal and penalty fees specified in
14 Section 1417 and providing evidence that he or she holds a current
15 valid active and clear registered nurse license in another state, a
16 United States territory, or Canada, or by passing the Board's current
17 examination for licensure."

18 **COST RECOVERY**

19 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
20 administrative law judge to direct a licentiate found to have committed a violation or violations of
21 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case.

23 **FIRST CAUSE FOR DISCIPLINE**

24 **(Disciplinary Action by the State of Nebraska Division of Public Health)**

25 11. Respondent is subject to disciplinary action under Code section 2761, subdivision
26 (a)(4), on the grounds of unprofessional conduct in that Respondent's registered nurse license was
27 disciplined by the Nebraska Department of Health and Human Services Division of Public Health
28 ("Nebraska Department").

12. On or about December 12, 2008, pursuant to the Findings of Fact, Conclusions of
Law, and Order issued by the Nebraska Department, in the disciplinary action entitled *State of
Nebraska vs. Constance Cameron, R.N.*, case number H08-2477, the Nebraska Department
suspended Respondent's registered nurse license until such time that she undergoes a complete

1 diagnostic exam and complies with any and all terms and conditions imposed as a result of the
2 diagnostic exam. The basis for the Order is as follows:

3 13. On or about April 25, 2008, while employed as a registered nurse at L.N.H. in
4 Omaha Nebraska, Respondent appeared unsteady in her gait, her uniform was disheveled, her
5 speech was slurred, she had poor ability to track a conversation, and the odor of alcohol was
6 apparent. Respondent was removed from the floor, sent home, and then terminated from
7 employment at the hospital.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Unprofessional Conduct)**

10 14. Respondent is subject to disciplinary action under Code section 2761, subdivision
11 (a), in that Respondent committed acts of unprofessional conduct. The conduct is more
12 particularly described in paragraphs 12 through 13, inclusive, above, and herein incorporated by
13 reference.

14 **PRAYER**

15 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
16 and that following the hearing, the Board of Registered Nursing issue a decision:

17 1. Revoking or suspending Registered Nurse License Number 330798, issued to
18 Constance Ellen Cameron;

19 2. Ordering Constance Ellen Cameron to pay the Board of Registered Nursing the
20 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
21 Professions Code section 125.3;

22 3. Taking such other and further action as deemed necessary and proper.

23 DATED: May 25, 2012

24 *for* Stacie Ben
25 LOUISE R. BAILEY, M.ED., RN
26 Interim Executive Officer
27 Board of Registered Nursing
28 Department of Consumer Affairs
State of California
Complainant

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